

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
C.A. No. 3:21-cv-00674-MOC-DSC**

BRIAN D. GREEN,

Plaintiff,

v.

SMITH DEBNAM NARRON DRAKE  
SAINTSING & MYERS, LLP,  
JERRY T. MYERS, and  
MELISSA A. TULIS,

Defendants.

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**DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS**

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NOW COME the defendants Smith Debnam Narron Drake Saintsing & Myers, LLP, Jerry T. Myers, and Melissa A. Tulis ("Defendants") and, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, move the court for judgment on the pleadings. For the reasons set forth more particularly in the Memorandum filed contemporaneously herewith, Defendants are entitled to judgment as a matter of law because Plaintiff's Amended Original Complaint fails to state claims upon which relief can be granted.

Defendants submit in further support of their motion the communications referenced in the Amended Original Complaint (Doc. No. 5) which are attached to their Answer as Exhibits A - E.

**WHEREFORE**, Defendants request that Judgment on the Pleadings be entered in their favor and that Plaintiff's Amended Original Complaint be dismissed **WITH PREJUDICE**.

This the 18<sup>th</sup> day of February, 2022.

/s/ Caren D. Enloe  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 18, 2022, I placed a copy of the foregoing document in the United States mail, first class postage prepaid, addressed as follows:

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